

ASSEMBLY BILL

No. 2486

Introduced by Assembly Member Feuer

February 19, 2010

An act to amend Section 1714 of the Civil Code, relating to social host liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 2486, as introduced, Feuer. Social host liability: furnishing alcohol to underage persons.

Under existing law, a social host who furnishes alcoholic beverages to any person may not be held legally accountable for damages suffered by that person, or for injury to the person or property of, or death of, any 3rd person, resulting from the consumption of those beverages.

This bill would provide that these provisions do not preclude a claim against a social host who is 21 years of age or older who knowingly furnishes alcoholic beverages to a person under 21 years of age.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1714 of the Civil Code is amended to
2 read:

3 1714. (a) Everyone is responsible, not only for the result of
4 his or her willful acts, but also for an injury occasioned to another
5 by his or her want of ordinary care or skill in the management of
6 his or her property or person, except so far as the latter has,
7 willfully or by want of ordinary care, brought the injury upon

1 himself or herself. The design, distribution, or marketing of
2 firearms and ammunition is not exempt from the duty to use
3 ordinary care and skill that is required by this section. The extent
4 of liability in these cases is defined by the Title on Compensatory
5 Relief.

6 (b) It is the intent of the Legislature to abrogate the holdings in
7 cases such as *Vesely v. Sager* (1971) 5 Cal.3d 153, *Bernhard v.*
8 *Harrah's Club* (1976) 16 Cal.3d 313, and *Coulter v. Superior Court*
9 (1978) 21 Cal.3d 144 and to reinstate the prior judicial
10 interpretation of this section as it relates to proximate cause for
11 injuries incurred as a result of furnishing alcoholic beverages to
12 an intoxicated person, namely that the furnishing of alcoholic
13 beverages is not the proximate cause of injuries resulting from
14 intoxication, but rather the consumption of alcoholic beverages is
15 the proximate cause of injuries inflicted upon another by an
16 intoxicated person.

17 (c) ~~No~~ *Except as provided in subdivision (d), no* social host who
18 furnishes alcoholic beverages to any person may be held legally
19 accountable for damages suffered by that person, or for injury to
20 the person or property of, or death of, any third person, resulting
21 from the consumption of those beverages.

22 (d) *Nothing in subdivision (c) shall preclude a claim against a*
23 *social host who is 21 years of age or older who knowingly furnishes*
24 *alcoholic beverages to a person under 21 years of age.*